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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,574	04/07/2004	Norman C. Fawley	59910P004D	8566

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,574

Applicant(s)

FAWLEY, NORMAN C.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on 4/7/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

2. Claims 7, 10 and 13 are objected to because of the following informalities:

Claim 7 recites the limitation "the reinforcement layer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10, line 5 – should “jointed” be “joined”?

Claim 12, line 5 – should “jointed” be “joined”?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by van der Linden et al.

In regard to claims 1, 10 and 12, van der Linden et al. discloses an apparatus comprising:

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a first and second pipe segment (see fig. 3) each having a core and a composite 5 (5 can be made from asbestos cement (see col. 8, line 9), which is a composite material) reinforcing circumferentially surrounding the core 4, each pipe segment further having a first end with a cutback region in which the core is exposed, the first and second pipe segments joined at their respective first ends, and a joint tape 1 overlaying the cutback region and adhering to the first and second pipe segments.

In regard to claim 2, the core 4 is metal.

In regard to claims 3 and 13, a primer 3 coated on the cut-back portion of the first ends to bind the joint tape to the first ends.

In regard to claim 4, a resin saturated reinforcement tape 1 (1 is made from a resin, if the tape is made from a resin material, it must be saturated with resin material) extending circumferentially around the cutback region.

In regard to claim 9, at least one line of hot melt 2 running in a warp direction.

In regard to claim 11, a means 3 for binding the joint tape means to the first ends.

7. Claims 1, 4-7 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Galloway.

In regard to claims 1 and 10 Galloway discloses an apparatus comprising:

a first 2 and second 2' pipe segment each having a core and a composite 4, 4' reinforcing circumferentially surrounding the core, each pipe segment further having a first end 2, 2' with a cutback region in which the core is exposed, the first and second pipe segments joined at their respective first ends, and a joint tape 12, 13 overlaying the cutback region and adhering to the first and second pipe segments.

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In regard to claim 4, a resin saturated reinforcement 14 extending circumferentially around the cutback region.

In regard to claim 5, the reinforcement tape 14 is comprised of woven fabric.

In regard to claim 6, the resin tape is a warp dominated fiber material (see col. 3, lines 45-52).

In regard to claim 7, a veil 15 extending circumferentially around the reinforcement tape 14.

In regard to claim 11, means 14 for binding the joint tape 12, 13 to the first ends.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Galloway in view of Ewing et al. Galloway discloses a nylon resin reinforcement tape as described above, but not a glass fiber resin reinforcement tape. Ewing et al. (col. 9, lines 22-43) teaches that glass and nylon are equivalents well known in the art used for providing strength. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to substitute the nylon fibers of Galloway with glass fibers.

Response to Arguments

5. Applicant's arguments filed 10/18/04 have been fully considered but they are not persuasive. Applicant argues that van der Linden et al. fails to disclose a composite

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reinforcement. However, as explained in further detail above, van der Linden et al. discloses that the jacket 5 can be made out of asbestos cement, which is a composite material.

6. Applicant's arguments with respect to Jones have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gore et al. discloses a similar coupling common in the art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
Primary Examiner
Art Unit 3679
January 7, 2005